TITLE 21.—FOOD AND DRUGS

Chap.		Sec.
13.	Drug Abuse Prevention and Control	801
16.	Drug Abuse Prevention and Treatment [New]	1101

Chapter 4.—ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

§§ 101 to 105.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 16 section 1540.

§§ 111 to 114a–1.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 16 section 1540.

§ 114b. Cooperation with Western Hemisphere countries in animal disease control.

The Secretary of Agriculture is authorized to cooperate with the Governments of Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Colombia, and Canada in carrying out operations or measures to eradicate, suppress, or control, or to prevent or retard, any communicable disease of animals, including but not limited to foot-and-mouth disease, rinderpest, or screw-worm in such countries where he deems such action necessary to protect the livestock, poultry, and related industries of the United States. In performing the operations or measures authorized in sections 114b to 114d–1 of this title, the Governments of such countries shall be responsible for the authority necessary to carry out such operations or measures on all lands and properties therein and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary. The measure and character of cooperation carried out under said sections on the part of the United States and on the part of the Governments of such countries, including the expenditure or use of funds appropriated pursuant to said sections, shall be such as may be prescribed by the Secretary of Agriculture. Arrangements for the cooperation authorized by said sections shall be made through and in consultation with the Secretary of State. The authority contained in said sections is in addition to and not in substitution for the authority of existing law. (As amended Nov. 5, 1971, Pub. L. 92–152, § 1, 85 Stat. 418.)

AMENDMENTS

1971—Pub. L. 92–152 made the provisions applicable to and authorized cooperation of Secretary of Agriculture with Governments of Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Columbia, and Canada, directed operations and measures to be taken against communicable diseases of animals, and included protection of poultry within its scope.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114c, 114d–1, 129 of this title; title 16 section 1540.

§ 114c. Same; use of funds for purchase or hire of vehicles and airplanes, printing, and employment of personnel.

For purposes of sections 114b to 114d–1 and section 114a of this title, insofar as sections 114b to 114d–1 of this title relate to diseases which in the opinion of the Secretary constitute an emergency and threaten the livestock industry of the country, funds appropriated pursuant thereto may also be used for the purchase or hire of passenger motor vehicles and aircraft, for printing and binding without regard to section 501 of Title 44, for personal services in the District of Columbia and elsewhere without regard to the limitations contained in section 947(g) of Title 5, including the employment of civilian nationals of Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Columbia, and Canada, and for the construction and operation of research laboratories, quarantine stations and other buildings and facilities. (As amended Nov. 5, 1971, Pub. L. 92–152, § 2, 85 Stat. 419.)

REFERENCES IN TEXT

Reference to "section 501 of Title 44" was substituted for "section 11 of the Act of Mar. 1, 1919 (U.S.C., title 44, sec. 111)" on authority of section 2(b) of Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1305, section 1 of which enacted Title 44, Public Printing and Documents.

Section 947 (g) of title 5, referred to in the text, was repealed by act Sept. 12, 1950, ch. 946, title III, § 301 (85), 64 Stat. 843.

AMENDMENTS

1971—Pub. L. 92–152 provided for use of funds for employment of civilian nationals of Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Columbia, and Canada.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114b, 114d–1, 129 of this title; title 16 section 1540.

§ 114d–1. Cooperation with public and private organizations and individuals in control and eradication of foot-and-mouth disease, rinderpest, and screwwork.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114b, 114c of this title; title 16 section 1540.

§§ 114d–2 to 114d–6. Repealed. Pub. L. 92–152, § 3, Nov. 5, 1971, 85 Stat. 419.

Sections, Pub. L. 90–388, §§ 1–5, July 6, 1968, 82 Stat. 294, provided for:

section 114d–2, cooperation with Central America in control and eradication of foot-and-mouth disease or rinderpest, now covered in section 114b of this title;

section 114d–3, uses of funds, now covered in section 114c of this title;

section 114d–4, definition of governments of Central America, now listed in sections 114b and 114c of this title;

section 114d–5, cooperation with public and private organizations and individuals, now covered in section 114d–1 of this title; and

section 114d–6, authorization of appropriations, now covered in Appropriations note, set out under section 114b of this title.

§§ 114e to 128.

SECTION REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 16 section 1540.

§ 129. Expenses for arrest and eradication of contagious or infectious diseases of animals; transfer of appropriations.

The Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pests and similar diseases in poultry, and for expenses in accordance with sections 114b and 114c of this title, and any unexpended balances of funds transferred for such emergency purposes in the fiscal year 1975 shall be merged with such transferred amounts. (Pub. L. 94–122, title I, § 101, Oct. 21, 1975, 89 Stat. 645.)

SIMILAR PROVISIONS

Section is from the Agriculture and Related Agencies Appropriation Act, 1976, Pub. L. 94–122. Similar provisions were contained in the following prior appropriations acts:

1974—Dec. 31, 1974, Pub. L. 93–563, title I, § 101, 88 Stat. 1824.

1973—Oct. 24, 1973, Pub. L. 93–135, title I, § 101, 87 Stat. 472.

1972—Aug. 22, 1972, Pub. L. 92–399, Title I, § 101, 86 Stat. 594.

1971—Aug. 10, 1971, Pub. L. 92–73, title I, § 101, 85 Stat. 185.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1540.

§§ 130 to 132, 134 to 135b.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 16 section 1540.

Chapter 6.—NARCOTIC DRUGS

§ 198a. Authority of Secretary of Treasury to administer oaths, issue subpenas, and compel attendance of witnesses; fees and mileage of witnesses.

CODIFICATION

This section has been transferred to section 1034 of Title 31, Money and Finance.

§ 198b. Service of subpena; proof of service.

CODIFICATION

This section has been transferred to section 1035 of Title 31, Money and Finance.

§ 198c. Contempt proceedings.

CODIFICATION

This section has been transferred to section 1036 of Title 31, Money and Finance.

Chapter 9.—FEDERAL FOOD, DRUG, AND COSMETIC ACT

SUBCHAPTER IV.—FOOD

Sec.
349. Bottled drinking water standards; publication in Federal Register [New].

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 15 section 1261.

CHAPTER REFERRED TO IN D.C. CODE

This chapter is referred to in section 22–3422 of the District of Columbia Code.

SUBCHAPTER II.—DEFINITIONS

§ 321. Definitions; generally.

For the purposes of this chapter—

* * * * *

(q) The term "pesticide chemical" means any substance which, alone, in chemical combination or in formulation with one or more other substances, is "a pesticide" within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act as now in force or as hereafter amended, and which is used in the production, storage, or transportation of raw agricultural commodities.

* * * * *

(As amended Oct. 21, 1972, Pub. L. 92–516, § 3(3), 86 Stat. 998.)

REFERENCES IN TEXT

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in the text, is classified to subchapter II (section 136 et seq.) of chapter 6 of Title 7, Agriculture.

AMENDMENTS

1972—Subsec. (q). Pub. L. 92–516 substituted reference to pesticide for reference to economic poison.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–516 effective at the close of Oct. 21, 1972, except if regulations are necessary for the implementation of any provision that becomes effective on Oct. 21, 1972, and continuation in effect of subchapter I of chapter 6 of Title 7, and regulations thereunder, relating to the control of economic poisons, as in existence prior to Oct. 21, 1972, until superseded by provisions of Pub. L. 92–516 and regulations thereunder, see section 4 of Pub. L. 92–516, set out as a note under section 136 of Title 7, Agriculture.

SAVINGS PROVISIONS

Section 702 of Pub. L. 91–513, as amended by Pub. L. 93–481, § 2, Oct. 26, 1974, 88 Stat. 1455, provided that:

* * * * *

"(d) Notwithstanding subsection (a) of this section or section 1103 [of Pub. L. 91–513, set out as a note under section 174 of this title], section 4202 of title 18, United States Code, shall apply to any individual convicted under any of the laws repealed by this title or title III [Subchapter I or Subchapter II of Chapter 13 of this title] without regard to the terms of any sentence imposed on such individual under such law."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 346b, 352, 376, 802, 825 of this title; title 7 section 136; title 15 sections 1454, 1456, 1471, 2052; title 18 sections 842, 922.

SUBCHAPTER III.—PROHIBITED ACTS AND PENALTIES

§ 331. Prohibited acts.

The following acts and the causing thereof are prohibited:

* * * * *

(p) The failure to register in accordance with section 360 of this title, the failure to provide any information required by section 360(j) of this title, or the failure to provide a notice required by section 360(j)(2) of this title. (As amended Aug. 16, 1972, Pub. L. 92–387, § 4(e), 86 Stat. 562.)

AMENDMENTS

1972—Subsec. (p). Pub. L. 92–387 added failure to provide information required by section 360(j) of this title, and failure to provide notice required by section 360(j)(2) of this title as prohibited acts.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–387 effective on the first day of the sixth month beginning after Aug. 16, 1972, see section 5 of Pub. L. 92–387, set out as a note under section 360 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 332, 333, 347b of this title; title 15 section 1456.

§ 332. Injunction proceedings.

(a) Jurisdiction of courts.

The district courts of the United States and the United States courts of the Territories shall have jurisdiction, for cause shown, and subject to the provisions of section 381 (relating to notice to opposite party) of Title 28, as amended, to restrain violations of section 331 of this title, except paragraphs (h)–(j) of said section.

(b) Violation of injunction.

In case of violation of an injunction or restraining order issued under this section, which also constitutes a violation of this chapter, trial shall be by the court, or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of section 387 of Title 28, as amended. (June 25, 1938, ch. 675, § 302, 52 Stat. 1043; Oct. 10, 1962, Pub. L. 87–781, title I, § 103(d), title II, § 201(c), 76 Stat. 784, 793.)

CODIFICATION

Section is set out in this Supplement to insert the words "as amended" following "Title 28" in subsecs. (a) and (b). See References in Text notes in 1970 Edition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 1456.

SUBCHAPTER IV.—FOOD

§ 346a. Tolerances for pesticide chemicals in or on raw agricultural commodities.

* * * * *

(d) Regulations pursuant to petition; publication of notice; time for issuance; referral to advisory committees; effective date; hearings.

(1) Any person who has registered, or who has submitted an application for the registration of, a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act may file with the Administrator a petition proposing the issuance of a regulation establishing a tolerance for a pesticide chemical which constitutes, or is an ingredient of, such pesticide, or exempting the pesticide chemical from the requirement of a tolerance. The petition shall contain data showing—

* * * * *

(e) Regulations pursuant to Administrator's proposals.

The Administrator may at any time, upon his own initiative or upon the request of any interested person, propose the issuance of a regulation establishing a tolerance for a pesticide chemical or exempting it from the necessity of a tolerance. Thirty days after publication of such a proposal, the Administrator may by order publish a regulation based upon the proposal which shall become effective upon publication unless within such thirty-day period a person who has registered, or who has submitted an application for the registration of, a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical named in the proposal, requests that the proposal be referred to an advisory committee. In the event of such a request, the Administrator shall forthwith submit the proposal and other relevant data before him to an advisory committee to be appointed in accordance with subsection (g) of this section. As soon as practicable after such referral, but not later than sixty days thereafter, unless extended as hereinafter provided, the committee shall, after independent study of the date submitted to it by the Administrator and other data before it, certify to the Administrator a report and recommendations on the proposal together with all underlying data and a statement of the reasons or basis for the recommendations. The sixty-day period provided for herein may be extended by the advisory committee for an additional thirty days if the advisory committee deems this necessary. Within thirty days after such certification, the Administrator may, after giving due consideration to all data before him, including such report, recommendations, underlying data and statement, by order publish a regulation establishing a tolerance for the pesticide chemical named in the proposal or exempting it from the necessity of a tolerance which shall become effective upon publication. Regulations issued under this subsection shall upon publication be subject to paragraph (5) of subsection (d) of this section.

* * * * *

(g) Advisory committees; appointment; composition; compensation; clerical assistance.

Whenever the referral of a petition or proposal to an advisory committee is requested under this section, or the Administrator otherwise deems such referral necessary the Administrator shall forthwith appoint a committee of competent experts to review the petition or proposal and to make a report and recommendations thereon. Each such advisory committee shall be composed of experts, qualified in the subject matter of the petition and of adequately diversified professional background selected by the National Academy of Sciences and shall include one or more representatives from land-grant colleges. The size of the committee shall be determined by the Administrator. Members of an advisory committee shall receive compensation and travel expenses in accordance with section 376(b)(5)(D) of this title. The members shall not be subject to any other provisions of law regarding the appointment and compensation of employees of the United States. The Administrator shall furnish the committee with adequate clerical and other assistance, and shall by rules and regulations prescribe the procedure to be followed by the committee.

* * * * *

(*l*) Pesticides under Federal Insecticide, Fungicide, and Rodenticide Act; functions of Administrator of the Environmental Protection Agency; certifications; hearing; time limitation; opinion; regulations.

The Administrator, upon request of any person who has registered, or who has submitted an application for the registration of, a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, and whose request is accompanied by a copy of a petition filed by such person under subsection (d)(1) of this section with respect to a pesticide chemical which constitutes, or is an ingredient of, such pesticide, shall, within thirty days or within sixty days if upon notice prior to the termination of such thirty days the Administrator deems it necessary to postpone action for such period, on the basis of data before him, either—

* * * * *

(As amended Nov. 18, 1971, Pub. L. 92–157, title III, § 303(a), 85 Stat. 464; Oct. 21, 1972, Pub. L. 92–516, § 3(3), 86 Stat. 998.)

REFERENCES IN TEXT

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in the text, is classified to subchapter II (section 136 et seq.) of chapter 6 of Title 7, Agriculture.

AMENDMENTS

1972—Subsecs. (d)(1), (e), (*l*). Pub. L. 92–516 substituted references to pesticide for references to economic poison wherever appearing therein.

1971—Subsec. (g). Pub. L. 92–157 struck out ", which the Secretary shall by rules and regulations prescribe," appearing following "as compensation for their services a reasonable per diem" prior to amendment in 1970, by Pub. L. 91–515, which overlooked such language when amending subsec. (g) as provided in 1970 Amendment note.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–516 effective at the close of Oct. 21, 1972, except if regulations are necessary for the implementation of any provision that becomes effective on Oct. 21, 1972, and continuation in effect of subchapter I of chapter 6 of Title 7, and regulations thereunder, relating to the control of economic poisons, as in existence prior to Oct. 21, 1972, until superseded by provisions of Pub. L. 92–516 and regulations thereunder, see section 4 of Pub. L. 92–516, set out as a note under section 136 of Title 7, Agriculture.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 342, 346b, 453, 601, 1033 of this title.

§ 349. Bottled drinking water standards; publication in Federal Register.

Whenever the Administrator of the Environmental Protection Agency prescribes interim or revised national primary drinking water regulations under section 300g–1 of Title 42, the Secretary shall consult with the Administrator and within 180 days after the promulgation of such drinking water regulations either promulgate amendments to regulations under this chapter applicable to bottled drinking water or publish in the Federal Register his reasons for not making such amendments. (June 25, 1938, ch. 675, § 410, as added Dec. 16, 1974, Pub. L. 93–523, § 4, 88 Stat. 1694.)

SUBCHAPTER V.—DRUGS AND DEVICES

§ 351. Adulterated drugs and devices.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 357 of this title.

§ 352. Misbranded drugs and devices.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 321, 333, 334, 353, 357, 360, 360b, 371, 802 of this title.

§ 353. Exemptions in case of drugs and devices.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 333, 360, 825, 829, 885 of this title; title 15 section 1459.

§ 355. New drugs.

* * * * *

(e) Withdrawal of approval; grounds; immediate suspension upon finding imminent hazard to public health.

The Secretary shall, after due notice and opportunity for hearing to the applicant, withdraw approval of an application with respect to any drug under this section if the Secretary finds (1) that clinical or other experience, tests, or other scientific data show that such drug is unsafe for use under the conditions of use upon the basis of which the application was approved; (2) that new evidence of clinical experience, not contained in such application or not available to the Secretary until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the Secretary when the application was approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved; or (3) on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof; or (4) that the application contains any untrue statement of a material fact: *Provided*, That if the Secretary (or in his absence the officer acting as Secretary) finds that there is an imminent hazard to the public health, he may suspend the approval of such application immediately, and give the applicant prompt notice of his action and afford the applicant the opportunity for an expedited hearing under this subsection; but the authority conferred by this proviso to suspend the approval of an application shall not be delegated. The Secretary may also, after due notice and opportunity for hearing to the applicant, withdraw the approval of an application with respect to any drug under this section if the Secretary finds (1) that the applicant has failed to

establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports, in accordance with a regulation or order under subsection (j) of this section or to comply with the notice requirements of section 360(j)(2) of this title, or the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection; or (2) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to assure and preserve its identity, strength, quality, and purity and were not made adequate within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of; or (3) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the labeling of such drug, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of. Any order under this subsection shall state the findings upon which it is based.

* * * * *

(As amended Aug. 16, 1972, Pub. L. 92-387, § 4(d), 86 Stat. 562.)

AMENDMENTS

1972—Subsec. (e). Pub. L. 92-387 inserted "or to comply with the notice requirements of section 360(j)(2) of this title" in clause (1) of the second sentence relating to the maintenance of records.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-387 effective on the first day of the sixth month beginning after Aug. 16, 1972, see section 5 of Pub. L. 92-387, set out as a note under section 360 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 331, 333, 334, 353, 357, 360, 360b, 374, 381, 827 of this title.

§ 356. Certification of drugs containing insulin.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 360 of this title.

§ 357. Certification of drugs containing penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other antibiotic drug.

* * * * *

(e) Exempted new drugs subject to section 355 of this title; request for certification of exempted drug; determination of compliance with sections 351(b) and 352(g) of this title.

No drug which is subject to this section shall be deemed to be subject to any provision of section 355 of this title except a new drug exempted from the requirements of this section and of section 352(*l*) of this title pursuant to regulations promulgated by the Secretary: *Provided*, That, for purposes of section 355 of this title, the initial request for certification, as thereafter duly amended, pursuant to this section, of a new drug so exempted shall be considered a part of the application filed pursuant to section 355(b) of this title with respect to the person filing such request and to such drug of the date of the exemption. Compliance of any drug subject to section 352(*l*) of this title or this section with sections 351(b) and 352(g) of this title shall be determined by the application of the standards of strength, quality, and purity, the tests and methods of assay, and the requirements of packaging and labeling, respectively, prescribed by regulations promulgated under this section.

* * * * *

CODIFICATION

Subsection (e) of this section has been reset to correct a typographical error appearing in the main volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 331, 352, 360, 360b, 374 of this title.

§ 360. Registration of drug producers.

* * * * *

(e) Registration number.

The Secretary may assign a registration number to any person or any establishment registered in accordance with this section. The Secretary may also assign a listing number to each drug or class of drugs listed under subsection (j) of this section. Any number assigned pursuant to the preceding sentence shall be the same as that assigned pursuant to the National Drug Code.

(f) Availability of registrations for inspection.

The Secretary shall make available for inspection, to any person so requesting, any registration filed pursuant to this section; except that any list submitted pursuant to paragraph (3) of subsection (j) of this section and the information accompanying any list or notice filed under paragraph (1) or (2) of that subsection shall be exempt from such inspection unless the Secretary finds that such an exemption would be inconsistent with protection of the public health.

* * * * *

(i) Foreign establishments.

Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs shall be permitted to register under this section pursuant to regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (j) of this section and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether drugs manufactured, prepared, propagated, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 381 of this title.

(j) Filing of list of drugs manufactured, prepared, propagated and compounded by registrants.

(1) Every person who registers with the Secretary under subsection (b), (c), or (d) of this section shall, at the time of registration under any such subsection, file with the Secretary a list of all drugs (by established name (as defined in section 352(e) of

this title) and by any proprietary name) which are being manufactured, prepared, propagated, compounded, or processed by him for commercial distribution and which he has not included in any list of drugs filed by him with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

(A) in the case of a drug contained in such list and subject to sections 355, 356, 357, or 360b of this title, a reference to the authority for the marketing of such drug and a copy of all labeling for such drug;

(B) in the case of any other drug contained in such list—

(i) which is subject to section 353(b)(1) of this title, a copy of all labeling for such drug, a representative sampling of advertisements for such drug, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular drug product, or

(ii) which is not subject to section 353(b)(1) of this title, the label and package insert for such drug and a representative sampling of any other labeling for such drug;

(C) in the case of any drug contained in such list which is described in subparagraph (B), a quantitative listing of its active ingredient or ingredients, except that with respect to a particular drug product the Secretary may require the submission of a quantitative listing of all ingredients if he finds that such submission is necessary to carry out the purposes of this chapter; and

(D) if the registrant filing the list has determined that a particular drug product contained in such list is not subject to section 355, 356, 357, or 360b of this title, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular drug product.

(2) Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following information:

(A) A list of each drug introduced by the registrant for commercial distribution which has not been included in any list previously filed by him with the Secretary under this subparagraph or paragraph (1) of this subsection. A list under this subparagraph shall list a drug by its established name (as defined in section 352(e) of this title), and by any proprietary name it may have and shall be accompanied by the other information required by paragraph (1).

(B) If since the date the registrant last made a report under this paragraph (or if he has not made a report under this paragraph, since the effective date of this subsection) he has discontinued the manufacture, preparation, propagation, compounding, or processing for commercial distribution of a drug included in a list filed by him under subparagraph (A) or paragraph (1); notice of such discontinuance, the date of such discontinuance, and the identity (by established name (as defined in section 352(e) of this title) and by any proprietary name) of such drug.

(C) If since the date the registrant reported pursuant to subparagraph (B) a notice of discontinuance he has resumed the manufacture, preparation, propagation, compounding, or processing for commercial distribution of the drug with respect to which such notice of discontinuance was reported; notice of such resumption, the date of such resumption, the identity of such drug (by established name (as defined in section 352(e) of this title) and by any proprietary name), and the other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary pursuant to this subparagraph.

(D) Any material change in any information previously submitted pursuant to this paragraph or paragraph (1).

(3) The Secretary may also require each registrant under this section to submit a list of each drug product which (A) the registrant is manufacturing, preparing, propagating, compounding, or processing for commercial distribution, and (B) contains a particular ingredient. The Secretary may not require the submission of such a list unless he has made a finding that the submission of such a list is necessary to carry out the purposes of this chapter. (As amended Aug. 16, 1972, Pub. L. 92–387, §§ 3, 4(a)–(c), 86 Stat. 560–562.)

REFERENCES IN TEXT

Effective date of this subsection, referred to in subsec. (j)(2)(B), means the effective date of 1972 Amendment. See effective date of 1972 amendment note below.

AMENDMENTS

1972—Subsec. (e). Pub. L. 92–387, § 4(a), added provision that the Secretary may assign a listing number to each drug or class of drugs listed under subsec. (j).

Subsec. (f). Pub. L. 92–387, § 4(b), added exception that the list submitted under subsec. (j)(3) and information submitted under subsec. (j)(1), (2) shall be exempt from inspection unless the Secretary determines otherwise.

Subsec. (i). Pub. L. 92–387, § 4(c), added provision that the regulations shall require such establishment to provide the information required by subsec. (j).

Subsec. (j). Pub. L. 92–387, § 3, added subsec. (j).

EFFECTIVE DATE OF 1972 AMENDMENT

Section 5 of Pub. L. 92–387 provided that: "The amendments made by this Act [amending this section and sections 331 and 335 of this title and enacting provisions set out as notes under this section] shall take effect on the first day of the sixth month beginning after the date of enactment of this Act [Aug. 16, 1972]."

SHORT TITLE

Section 1 of Pub. L. 92–387 provided that: "This Act [amending this section and sections 331 and 335 of this title and enacting provisions set out as notes under this section] may be cited as the 'Drug Listing Act of 1972'."

DECLARATION OF POLICY OF DRUG LISTING ACT OF 1972

Section 2 of Pub. L. 92–387 provided that: "The Federal Government which is responsible for regulating drugs has no ready means of determining what drugs are actually being manufactured or packed by establishments registered under the Federal Food, Drug, and Cosmetic Act [this chapter] except by periodic inspection of such registered establishments. Knowledge of which particular drugs are being manufactured or packed by each registered establishment would substantially assist in the enforcement of Federal laws requiring that such drugs be pure, safe, effective, and properly labeled. Information on the discontinuance of a particular drug could serve to allevi-

ate the burden of reviewing and implementing enforcement actions against drugs which, although commercially discontinued, remain active for regulatory purposes. Information on the type and number of different drugs being manufactured or packed by drug establishments could permit more effective and timely regulation by the agencies of the Federal Government responsible for regulating drugs, including identification of which drugs in interstate commerce are subject to section 505 or 507 [section 355 or 357 of this title], or to other provisions of the Federal Food, Drug, and Cosmetic Act [this chapter]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 331, 352, 355, 381 of this title.

§ 360b. New animal drugs.

* * * * *

(m)(1) Filing application for uses of animal feed containing new animal drug; contents.

* * * * *

(4) Same; withdrawal of approval; grounds; immediate suspension upon finding imminent hazard to health of man or animals.

(A) * * *

* * * * *

(B) The Secretary may also, after due notice and opportunity for hearing to the applicant, issue an order withdrawing the approval of an application with respect to any animal feed under this subsection if the Secretary finds—

(i) that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with a regulation or order under paragraph (5)(A) of this subsection, or the applicant has refused to permit access to, or copying or verification of, such records as required by subparagraph (B) of such paragraph;

(ii) that on the basis of new information before him, evaluated together with the evidence before him when such application was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such animal feed are inadequate to assure and preserve the identity, strength, quality, and purity of the new animal drug therein, and were not made adequate within a reasonable time after receipt of written notice from the Secretary, specifying the matter complained of; or

(iii) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the labeling of such animal feed, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of.

(C) Any order under paragraph (4) of this subsection shall state the findings upon which it is based.

* * * * *

CODIFICATION

Subsection (m)(1)(4) has been reset to correct a typographical error appearing in the main volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 321, 331, 342, 351, 360, 381 of this title.

SUBCHAPTER VII.—GENERAL ADMINISTRATIVE PROVISIONS

§ 372. Examinations and investigations.

CHANGE OF NAME

"Commissioner of Patents" redesignated "Commissioner of Patents and Trademarks", by section 3 of Pub. L. 93-596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

SUBCHAPTER VIII.—IMPORTS AND EXPORTS

§ 381. Imports and exports.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 360 of this title.

Chapter 10.—POULTRY AND POULTRY PRODUCTS INSPECTION

§ 451. Congressional statement of findings.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 2052.

§ 453. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 2052.

§ 467d. Administration and enforcement; applicability of penalty provisions; conduct of inquiries; power and jurisdiction of courts.

For the efficient administration and enforcement of this chapter, the provision (including penalties) of sections 46, 48, 49 and 50 of Title 15 (except paragraphs (c) through (h) of section 46 of Title 15 and the last paragraph of section 49 of Title 15), and the provisions of section 409(*l*) of Title 47, are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this chapter and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this chapter in any part of the United States, and the powers conferred by said sections 49 and 50 of Title 15 on the district courts of the United States may be exercised for the purposes of this chapter by any court designated in section 467c of this title. (Pub. L. 85-172, § 22, as added Pub. L. 90-492, § 17, Aug. 18, 1968, 82 Stat. 807.)

REFERENCES IN TEXT

Section 409 (*l*) of Title 47, referred to in text, which related to immunity of witnesses, was repealed by Pub. L. 91-452, title II, § 242, Oct. 15, 1970, 84 Stat. 930. For current provisions relating to immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

CODIFICATION

Section is set out in this Supplement to correct an erroneous reference to section 467(c) of this title in the main edition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 454 of this title.

Chapter 12.—MEAT INSPECTION

§ 601. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 2052.

§ 611. Devices, marks, labels, and certificates; simulations.

* * * * *

(b) Other misconduct.

No person, firm, or corporation shall—

* * * * *

(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

* * * * *

CODIFICATION

Subsection (b) (4) of this section has been reset to correct a typographical error appearing in the main volume.

§§ 612 to 614.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in title 16 section 1540.

Chapter 13.—DRUG ABUSE PREVENTION AND CONTROL

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 22 sections 283s, 284k, 285p, 2291.

§ 801. Congressional findings and declarations.

COMMISSION ON MARIHUANA AND DRUG ABUSE

Section 601 of Pub. L. 91–513, as amended by Pub. L. 92–13, May 14, 1971, 85 Stat. 37, provided that:

* * * * *

"(f) [*Limitation on expenditures*] Total expenditures of the Commission shall not exceed $4,000,000."

EX. ORD. NO. 11599. SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Ex. Ord. No. 11599, June 17, 1971, 36 F.R. 11793, provided:

Drug abuse has assumed alarming proportions in recent times and its spread must be reversed forthwith. I have sent a special message to the Congress urging the prompt enactment of legislation creating a new Special Action Office for Drug Abuse Prevention within the Executive Office of the President. This office will mobilize and concentrate the comprehensive resources of the Federal Government in an all out campaign to meet this threat. However, immediate action must be taken to place the leadership of our drug abuse effort under a single official who will coordinate existing Federal drug abuse programs and activities, and develop plans for increasing our future efforts.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

ESTABLISHMENT OF THE OFFICE

SECTION 1. There is hereby established in the Executive Office of the President a Special Action Office for Drug Abuse Prevention. The Office shall be under the immediate supervision and direction of a Director, who shall be designated by the President.

FUNCTIONS OF THE DIRECTOR

SEC. 2 (a) The Director shall be the special representative of the President with respect to all Federal drug abuse training, education, rehabilitation, research, treatment, and prevention programs and activities (exclusive of law enforcement activities and legal proceedings).

(b) The Director shall prescribe policies, guidelines, standards, and criteria for the maximum achievement of the goals and objectives for those programs and activities. To the maximum extent permitted by law, Federal officers and Federal departments and agencies shall cooperate with the Director in carrying out his functions under this Order and shall comply with the policies, guidelines, standards, and procedures prescribed by the Director pursuant to this subsection.

(c) In addition, the Director shall—

(1) develop comprehensive plans and programs to combat drug abuse including goals and objectives therefor;

(2) assure that all Federal drug abuse programs and activities are properly coordinated;

(3) evaluate all such programs;

(4) advise the heads of departments and agencies of his findings and recommendations, when appropriate;

(5) make recommendations to the Director of the Office of Management and Budget concerning proposed funding of drug abuse programs;

(6) establish a clearing house for the prompt consideration of drug abuse problems brought to his attention by Federal departments and agencies and by other public and private entities, organizations, agencies, or individuals; and

(7) report to the President, from time to time, concerning the foregoing.

ADMINISTRATION

SEC. 3 (a) Expenses of the Special Office for Drug Abuse Prevention shall be paid from the appropriation under the heading "Special Projects," in the Executive Office Appropriation Act, 1971, or any corresponding appropriations which may be made for subsequent fiscal years or from such other appropriated funds as may be available therefor.

(b) The General Services Administration shall provide, on a reimbursable basis, such administrative services and facilities for the Director and the Special Action Office for Drug Abuse Prevention as the Director may request.

RICHARD NIXON

EXECUTIVE ORDER NO. 11641

Ex. Ord. No. 11641, Jan. 28, 1972, 37 F.R. 2421, formerly set out as a note under this section, which established the Office for Drug Abuse Law Enforcement, was revoked by Ex. Ord. No. 11727, July 6, 1973, 38 F.R. 18357, set out as a note under this section.

EXECUTIVE ORDER NO. 11676

Ex. Ord. No. 11676, July 27, 1972, 37 F.R. 15125, formerly set out as a note under this section, which established the Office of National Narcotics Intelligence, was revoked by Ex. Ord. No. 11727, July 6, 1973, 38 F.R. 18357, set out as a note under this section.

EX. ORD. NO. 11727. DRUG LAW ENFORCEMENT

Ex. Ord. No. 11727, July 6, 1973, 38 F.R. 18357, provided:

Reorganization Plan No. 2 of 1973 [set out in the Appendix to Title 5, Government Organization and Employees], which becomes effective on July 1, 1973, among other things establishes a Drug Enforcement Administration in the Department of Justice. In my message to the Congress transmitting that plan, I stated that all functions of the Office for Drug Abuse Law Enforcement (established pursuant to Executive Order No. 11641 of January 28, 1972) and the Office of National Narcotics Intelligence (established pursuant to Executive Order No. 11676 of July 27, 1972) would, together with other related functions, be merged in the new Drug Enforcement Administration.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including section 5317 of title 5 of the United States Code, as amended, it is hereby ordered as follows:

SECTION 1. The Attorney General, to the extent permitted by law, is authorized to coordinate all activities of executive branch departments and agencies which are directly related to the enforcement of laws respecting narcotics and dangerous drugs. Each department and agency of the Federal Government shall, upon request and to the extent permitted by law, assist the Attorney

General in the performance of functions assigned to him pursuant to this order, and the Attorney General may, in carrying out those functions, utilize the services of any other agencies, Federal and State, as may be available and appropriate.

SEC. 2. Executive Order No. 11641 of January 28, 1972, is revoked and the Attorney General shall provide for the reassignment of the functions of the Office for Drug Abuse Law Enforcement and for the abolishment of that Office.

SEC. 3. Executive Order No. 11676 of July 27, 1972, is hereby revoked and the Attorney General shall provide for the reassignment of the functions of the Office of National Narcotics Intelligence and for the abolishment of that Office.

SEC. 4. Section 1 of Executive Order No. 11708 of March 23, 1973, as amended [set out as a note under section 5317 of Title 5, Government Organization and Employees], placing certain positions in level IV of the Executive Schedule is hereby further amended by deleting—

(1) "(6) Director, Office for Drug Abuse Law Enforcement, Department of Justice."; and

(2) "(7) Director, Office of National Narcotics Intelligence, Department of Justice."

SEC. 5. The Attorney General shall provide for the winding up of the affairs of the two offices and for the reassignment of their functions.

SEC. 6. This order shall be effective as of July 1, 1973.

RICHARD NIXON.

§ 802. Definitions.

As used in this subchapter:

* * * * *

(27) The term "maintenance treatment" means the dispensing, for a period in excess of twenty-one days, of a narcotic drug in the treatment of an individual for dependence upon heroin or other morphine-like drugs.

(28) The term "detoxification treatment" means the dispensing, for a period not in excess of twenty-one days, of a narcotic drug in decreasing doses to an individual in order to alleviate adverse physiological or psychological effects incident to withdrawal from the continuous or sustained use of a narcotic drug and as a method of bringing the individual to a narcotic drug-free state within such period. (As amended Pub. L. 93–281, § 2, May 14, 1974, 88 Stat. 124.)

AMENDMENTS

1974—Pars. (27), (28). Pub. L. 93–281 added pars. (27) and (28).

SHORT TITLE OF 1974 AMENDMENT

Section 1 of Pub. L. 93–281 provided: "That this Act [enacting pars. (27) and (28) of this section and section 823(g) of this title and amending sections 824(a), (d), and 827(c)(1)(A) of this title] may be cited as the 'Narcotic Addict Treatment Act of 1974'."

TRANSFER OF FUNCTIONS

The Bureau of Narcotics and Dangerous Drugs, including the office of Director thereof, in the Department of Justice was abolished by Reorg. Plan No. 2 of 1973, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees. Reorg. Plan No. 2 of 1973 also created in the Department of Justice a single, comprehensive agency for the enforcement of drug laws to be known as the Drug Enforcement Administration, empowered the Attorney General to authorize the performance by officers, employees, and agencies of the Department of functions transferred to him, and directed the Attorney General to coordinate all drug law enforcement functions to assure maximum cooperation between the Drug Enforcement Administration, the Federal Bureau of Investigation, and the other units of the Department of Justice involved in drug law enforcement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 198a, 822, 951, 957 of this title; title 18 sections 1952, 4251; title 19 section 1584; title 26 section 7607; title 28 section 2901; title 29 section 1111; title 31 section 1034; title 42 sections 201, 3411; title 46 section 239a.

§ 803. Increase in numbers of enforcement personnel; authorization of appropriations.

TRANSFER OF FUNCTIONS

The Bureau of Narcotics and Dangerous Drugs, including the office of Director thereof, in the Department of Justice was abolished by Reorg. Plan No. 2 of 1973, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees. Reorg. Plan No. 2 of 1973 also created in the Department of Justice a single, comprehensive agency for the enforcement of drug laws to be known as the Drug Enforcement Administration, empowered the Attorney General to authorize the performance by officers, employees, and agencies of the Department of functions transferred to him, and directed the Attorney General to coordinate all drug law enforcement functions to assure maximum cooperation between the Drug Enforcement Administration, the Federal Bureau of Investigation, and the other units of the Department of Justice involved in drug law enforcement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 904 of this title.

§ 812. Schedules of controlled substances.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 19 sections 2462, 2484.

§ 823. Registration requirements.

* * * * *

(g) Practitioners dispensing narcotic drugs for narcotic treatment; annual registration; separate registration; qualifications.

Practitioners who dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment shall obtain annually a separate registration for that purpose. The Attorney General shall register an applicant to dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment (or both)

(1) if the applicant is a practitioner who is determined by the Secretary to be qualified (under standards established by the Secretary) to engage in the treatment with respect to which registration is sought;

(2) if the Attorney General determines that the applicant will comply with standards established by the Attorney General respecting (A) security of stocks of narcotic drugs for such treatment, and (B) the maintenance of records (in accordance with section 827 of this title) on such drugs; and

(3) if the Secretary determines that the applicant will comply with standards established by the Secretary (after consultation with the Attorney General) respecting the quantities of narcotic drugs which may be provided for unsupervised use by individuals in such treatment.

(As amended Pub. L. 93–281, § 3, May 14, 1974, 88 Stat. 124.)

AMENDMENTS

1974—Subsec. (g). Pub. L. 93–281 added subsec. (g).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 824, 827, 828, 880, 952, 958, 965 of this title.

§ 824. Denial, revocation, or suspension of registration.

(a) Grounds.

A registration pursuant to section 823 of this title to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the Attorney General upon a finding that the registrant—

(1) has materially falsified any application filed pursuant to or required by this subchapter or subchapter II of this chapter;

(2) has been convicted of a felony under this subchapter or subchapter II of this chapter or any other law of the United States, or of any State, relating to any substance defined in this subchapter as a controlled substance; or

(3) has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled substances.

A registration pursuant to section 823(g) of this title to dispense a narcotic drug for maintenance treatment or detoxification treatment may be suspended or revoked by the Attorney General upon a finding that the registrant has failed to comply with any standard referred to in section 823(g) of this title.

* * * * *

(d) Suspension of registration in cases of imminent danger.

The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health or safety. A failure to comply with a standard referred to in section 823(g) of this title may be treated under this subsection as grounds for immediate suspension of a registration granted under such section. A suspension under this subsection shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

* * * * *

(As amended Pub. L. 93–281, § 4, May 14, 1974, 88 Stat. 125.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–281, § 4(a), provided for revocation or suspension of a registration pursuant to section 823(g) of this title for failure of a registrant to comply with standards referred to in such section 823(g).

Subsec. (d). Pub. L. 93–281, § 4(b), substituted in second sentence "A suspension under this subsection" for "Such suspension".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 823, 842, 958 of this title.

§ 827. Records and reports of registrants.

* * * * *

(c) Nonapplicability.

The foregoing provisions of this section shall not apply—

(1)(A) with respect to any narcotic controlled substance in schedule II, III, IV, or V, to the prescribing or administering of such substance by a practitioner in the lawful course of his professional practice unless such substance was prescribed or administered in the course of maintenance treatment or detoxification treatment of an individual; or

* * * * *

(As amended Pub. L. 93–281, § 5, May 14, 1974, 88 Stat. 125.)

AMENDMENTS

1974—Subsec. (c)(1)(A). Pub. L. 93–281 substituted "any narcotic controlled substance" for "narcotic controlled substances" and made section applicable to any narcotic controlled substance prescribed or administered in the course of maintenance treatment or detoxification treatment of an individual.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 823, 829, 902, 958 of this title.

§ 878. Powers of enforcement personnel.

TRANSFER OF FUNCTIONS

The Bureau of Narcotics and Dangerous Drugs, including the office of Director thereof, in the Department of Justice was abolished by Reorg. Plan No. 2 of 1973, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees. Reorg. Plan No. 2 of 1973 also created in the Department of Justice a single, comprehensive agency for the enforcement of drug laws to be known as the Drug Enforcement Administration, empowered the Attorney General to authorize the performance by officers, employees, and agencies of the Department of functions transferred to him, and directed the Attorney General to coordinate all drug law enforcement functions to assure maximum cooperation between the Drug Enforcement Administration, the Federal Bureau of Investigation, and the other units of the Department of Justice involved in drug law enforcement.

§ 879. Search warrants.

A search warrant relating to offenses involving controlled substances may be served at any time of the day or night if the judge or United States magistrate issuing the warrant is satisfied that there is probable cause to believe that grounds exist for the warrant and for its service at such time. (As amended Pub. L. 93–481, § 3, Oct. 26, 1974, 88 Stat. 1455.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–481 struck out designation "(a)" preceding "A search warrant".

Subsec. (b). Pub. L. 93–481 struck out subsec. (b), which permitted officers authorized to execute search warrants to break open and enter premises under certain circumstances and which required that such officers identify themselves and give reasons and authority for their entry after such entry.

§ 881. Forfeitures.

* * * * *

(d) Other laws and proceedings applicable.

All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subchapter, insofar as applicable and not inconsistent with the provisions hereof; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the

customs laws shall be performed with respect to seizures and forfeitures of property under this subchapter by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

* * * * *

CODIFICATION

Subsec. (d) of this section is set out in this Supplement to correct a typographical error.

TRANSFER OF FUNCTIONS

The Bureau of Narcotics and Dangerous Drugs, including the Office of Director thereof, in the Department of Justice was abolished by Reorg. Plan No. 2 of 1973, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees. Reorg. Plan No. 2 of 1973 also created in the Department of Justice a single, comprehensive agency for the enforcement of drug laws to be known as the Drug Enforcement Administration, empowered the Attorney General to authorize the performance by officers, employees, and agencies of the Department of functions transferred to him, and directed the Attorney General to coordinate all drug law enforcement functions to assure maximum cooperation between the Drug Enforcement Administration, the Federal Bureau of Investigation, and the other units of the Department of Justice involved in drug law enforcement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 824, 842 of this title.

§ 883. Enforcement proceedings.

TRANSFER OF FUNCTIONS

The Bureau of Narcotics and Dangerous Drugs, including the office of Director thereof, in the Department of Justice was abolished by Reorg. Plan No. 2 of 1973, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees. Reorg. Plan No. 2 of 1973 also created in the Department of Justice a single, comprehensive agency for the enforcement of drug laws to be known as the Drug Enforcement Administration, empowered the Attorney General to authorize the performance by officers, employees, and agencies of the Department of functions transferred to him, and directed the Attorney General to coordinate all drug law enforcement functions to assure maximum cooperation between the Drug Enforcement Administration, the Federal Bureau of Investigation, and the other units of the Department of Justice involved in drug law enforcement.

§ 886. Payments and advances.

TRANSFER OF FUNCTIONS

The Bureau of Narcotics and Dangerous Drugs, including the Office of Director thereof, in the Department of Justice was abolished by Reorg. Plan No. 2 of 1973, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees. Reorg. Plan No. 2 of 1973 also created in the Department of Justice a single, comprehensive agency for the enforcement of drug laws to be known as the Drug Enforcement Administration, empowered the Attorney General to authorize the performance by officers, employees, and agencies of the Department of functions transferred to him, and directed the Attorney General to coordinate all drug law enforcement functions to assure maximum cooperation between the Drug Enforcement Administration, the Federal Bureau of Investigation, and the other units of the Department of Justice involved in drug law enforcement.

§ 904. Authorization of appropriations.

(a) There are authorized to be appropriated $105,000,000 for the fiscal year ending June 30, 1975, $175,000,000 for the fiscal year ending June 30, 1976, and $200,000,000 for the fiscal year ending June 30, 1977, for the expenses of the Department of Justice (other than its expenses incurred in connection with carrying out section 803(a) of this title) in carrying out its functions under this subchapter.

(b) No funds appropriated under any other provision of this chapter may be used for the expenses of the Department of Justice for which funds are authorized to be appropriated by subsection (a) of this section. (As amended Pub. L. 93–481, § 1, Oct. 26, 1974, 88 Stat. 1455.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–481 designated existing provisions as subsec. (a), and in subsec. (a) as so designated, substituted authorization of appropriations for fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977, for authorization of appropriations for fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974.

Subsec. (b). Pub. L. 93–481 added subsec. (b).

§ 965. Applicability of Part E of Subchapter I.

TRANSFER OF FUNCTIONS

The Bureau of Narcotics and Dangerous Drugs, including the Office of Director thereof, in the Department of Justice was abolished by Reorg. Plan No. 2 of 1973, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees. Reorg. Plan No. 2 of 1973 also created in the Department of Justice a single, comprehensive agency for the enforcement of drug laws to be known as the Drug Enforcement Administration, empowered the Attorney General to authorize the performance by officers, employees, and agencies of the Department of functions transferred to him, and directed the Attorney General to coordinate all drug law enforcement functions to assure maximum cooperation between the Drug Enforcement Administration, the Federal Bureau of Investigation, and the other units of the Department of Justice involved in drug law enforcement.

Chapter 14.—ALCOHOL AND DRUG ABUSE EDUCATIONAL PROGRAMS AND ACTIVITIES

§ 1001. Congressional statement of purpose.

(a) The Congress hereby finds and declares that drug and alcohol abuse diminishes the strength and vitality of the people of our Nation; that an increasing number of substances, both legal and illegal, are being abused by increasing numbers of individuals; that abuse of any substance is complex human behavior which is influenced by many forces, including school, family, church, community, media, and peer groups; and that prevention and early intervention in such behavior require cooperation and coordination among all of these elements in strategies designed to respond to carefully defined problems.

(b) It is the purpose of this chapter to encourage the development of new and improved curricula on the problems of drug abuse; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and others, on drug abuse problems.

(c) It is further the purpose of this chapter to provide leadership to schools and other institutions in the community by supporting projects to identify, evaluate, demonstrate, and disseminate effective strategies for prevention and early intervention and to provide training and technical assistance to schools and other segments of the community in adapting such strategies to identified local needs. (As amended Pub. L. 93–422, § 2(b), Sept. 21, 1974, 88 Stat. 1154.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–422 substituted findings relating to the effects of drug and alcohol abuse for findings relating to the effects of drug abuse.

Subsec. (c). Pub. L. 93–422 added subsec. (c).

SHORT TITLE OF 1974 AMENDMENT

Section 1 of Pub. L. 93–422 provided: "That this Act [amending sections 1001–1004, and 1007 of this title and amending provisions set out as a note under this section] may be cited as the 'Alcohol and Drug Abuse Education Act Amendments of 1974'."

SHORT TITLE

Section 1 of Pub. L. 91–527 as amended by section 2(a) of Pub. L. 93–422 provided that: "This Act [enacting this chapter] may be cited as the 'Alcohol and Drug Abuse Education Act'."

§ 1002. Alcohol and drug abuse education projects.

(a) Authorization to make grants and contracts.

The Commissioner of Education shall carry out a program of making grants to, and contracts with institutions of higher education, State and local educational agencies, and public and private education or community agencies, institutions, and organizations to support and evaluate demonstration projects, to encourage the establishment of such projects throughout the Nation, to train educational and community personnel, and to provide technical assistance in program development. In carrying out such program, the Commissioner of Education shall give priority to school based programs and projects.

(b) Availability of appropriations; bilingual and other permissible activities.

Funds appropriated for grants and contracts under this chapter shall be available for activities, including bilingual activities, such as—

(1) projects for the development, testing, evaluation, and dissemination of exemplary materials for use in elementary, secondary, adult, and community education programs, and for training in the selection and use of such materials;

(2) comprehensive demonstration programs which focus on the causes of drug and alcohol abuse rather than on the symptoms; which include both schools and the communities within which the schools are located; which emphasizes the affective as well as the cognitive approach; which reflect the specialized needs of communities; and which include, in planning and development, school personnel, the target population, community representation, and parents;

(3) creative primary prevention and early intervention programs in schools, utilizing an interdisciplinary "school team" approach, developing in educational personnel and students skills in planning and conducting comprehensive prevention programs which include such activities as training drug and alcohol education specialists and group leaders, peer group and individual counseling, and student involvement in intellectual, cultural, and social alternatives to drug and alcohol abuse;

(4) preservice and inservice training programs on drug and alcohol abuse prevention for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

(5) community education programs on drug and alcohol abuse, especially for parents and others in the community;

(6) programs or projects to recruit, train, organize, and employ professionals and other persons, including former drug and alcohol abusers and former drug- and alcohol-dependent persons, to organize and participate in programs of public education in drug and alcohol abuse; and

(7) projects for the dissemination of valid and effective school and community drug and alcohol abuse educational programs.

(c) Availability of funds for expenses of State educational agencies in assisting local educational agencies in planning, development and implementation of programs.

In addition to the purposes described in subsection (b) of this section, funds in an amount not to exceed 10 per centum of the sums appropriated to carry out this chapter may be made available for the payment of reasonable and necessary expenses of State educational agencies for assisting local educational agencies in the planning, development, and implementation of drug and alcohol abuse education programs, including such projects as—

(1) inservice training of education personnel,

(2) technical assistance to local school districts,

(3) creative leadership in programing for indigenous minorities, and

(4) training of peer counselors.

(d) Applications for assistance; requirements; approval and amendment of applications.

(1) Financial assistance under this section may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary, and only if such application—

(A) provides that activities and services for which assistance under this chapter is sought will be administered by or under the supervision of the applicant;

(B) provides for carrying out one or more projects or programs eligible for assistance under subsections (b) and (c) of this section and provides for such methods of administration as are necessary for the proper and efficient operation of such projects or programs;

(C) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in subsections

(b) and (c) of this section, and in no case supplant such funds; and

(D) provides for making such reports, in such form and containing such information, as the Commissioner may reasonably require, and for keeping such records and affording such access thereto as the Commissioner may find necessary to asure to correctness and verification of such reports.

(2) An application from a local education agency for financial assistance under this section may be approved by the Commissioner only after the applicant has submitted the application to the State educational agency. The State educational agency shall, not more than thirty days after the date of receipt of the application, submit to the Secretary in writing its comments on the application. A copy of such comments shall be submitted at the same time to the applicant.

(3) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to the requirements set forth in subsections (d)(1) and (d)(2) of this section.

(e) Evaluation of programs; reports to Congress.

(1) The Commissioner may use funds in an amount not exceeding 1 per centum of the funds appropriated to carry out this section for a fiscal year for independent analysis and evaluation of the effectiveness of the drug and alcohol abuse education programs asisted under this section.

(2) The Commissioner shall, not later than March 31 of each calendar year, submit an evaluation report to the House and Senate Committees on Appropriations, the House Committee on Education and Labor, and the Senate Committee on Labor and Public Welfare. Such report shall—

(A) contain the agency's statement of specific and detailed objectives for the program or programs assisted under the provisions of this chapter, and relate these objectives to those in the chapter,

(B) include statements of the agency's conclusions as to effectiveness of the program or programs in meeting the stated objectives, measured through the end of the preceding fiscal year,

(C) make recommendations with respect to any changes or additional legislative action deemed necessary or desirable in carrying out the program or programs,

(D) contain a listing identifying the principal analyses and studies supporting the major conclusions and recommendations, and

(E) contain the agency's annual evaluation plan for the program or programs through the ensuing fiscal year for which the budget was transmitted to Congress by the President, in accordance with section 11(a) of Title 31.

(f) Authorization of appropriations.

There are authorized to be appropriated to carry out the purposes of this section $26,000,000 for the fiscal year ending June 30, 1975, $30,000,000 for the fiscal year ending June 30 1976, and $34,000,000 for the fiscal year ending June 30, 1977. Not less than 60 per centum of the amount appropriated for a fiscal year under this section shall be used for drug and alcohol abuse education programs and projects in elementary and secondary schools. (As amended Pub. L. 93–422, § 2(c), Sept. 21, 1974, 88 Stat. 1155).

CODIFICATION

"This chapter", referred to in subsec. (d)(1)(A), was, in the original, "this title", which has been translated as "this chapter" as the probable intent of Congress.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–422 substituted "Commissioner of Education" for "Secretary" and extended the functions of the Commissioner to make grants and contracts to encourage the establishment of projects throughout the Nation, to train educational and community personnel, and to provide technical asistance in program development, and added provision that the Commissioner give priority to school based programs and projects.

Subsec. (b). Pub. L. 93–422 extended the use of funds appropriated for bilingual activities and certain alcohol abuse demonstration and prevention programs.

Subsec. (c). Pub. L. 93–422 substituted "not to exceed 10 per centum" for "not to exceed 5 per centum" and enumerated in pars. (1)–(4), the type of projects for which the funds may be made available.

Subsec. (d). Pub. L. 93–422 in par. (1), substituted "Commissioner" for "Secretary" in three places, added reference to subsec. (c) of this section in subpars. (B), (C), and (D), in par. (2), substituted provisions prescribing procedure for the submission and approval of applications from local educational agencies for provisions that the Secretary may approve such applications only if state educational agency has been notified of the application and been given opportunity to offer recommendations, and in par. (3), substituted "Commissioner" for "Secretary" and added provision that amendment of applications would be subject to par. (2) of this subsection.

Subsec. (e). Pub. L. 93–422 added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 93–422 redesignated former subsec. (e) as (f), and in subsec. (f) as so redesignated, substituted authorization of appropriations for the fiscal years 1975, 1976, and 1977, for such authorization of appropriations for fiscal years beginning.

§ 1003. Recordkeeping requirements; access to and inspection of records.

(a) Each recipient of Federal assistance under this chapter, pursuant to grants, subgrants, contracts, subcontracts, loans, or other arrangements entered into other than by formal advertising, and which are otherwise authorized by this chapter, shall keep such records as the Commissioner shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States or any of their duly authorized representatives, shall, until the expiration of three years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the grants, subgrants, contracts, subcontracts, loans, or other arrangements referred to in subsection (a) of this section. (As amended Pub. L. 93–422, § 2(d), Sept. 21, 1974, 88 Stat. 1157.)

AMENDMENTS

1974—Pub. L. 93–422 substituted provisions relating to recordkeeping by recipients of financial assistance and for inspection of the records by the Secretary and the Comptroller General of the United States, for provisions relating to authorization of appropriations, authority of the Secretary to make grants and contracts to community education projects, and the type and extent of programs.

§ 1004. Technical assistance.

The Secretary and the Attorney General (on matters of law enforcement) shall, when requested, render technical assistance to local educational agencies, public and private nonprofit organizations, and institutions of higher education in the development and implementation of programs of drug and alcohol abuse education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of coping with problems of drug and alcohol abuse, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare and the Department of Justice, or other persons qualified to advise and assist in coping with such problems or carrying out a drug and alcohol abuse education program. (As amended Pub. L. 93–422, § 2(e), Sept. 21, 1974, 88 Stat. 1157.)

AMENDMENTS

1974—Pub. L. 93–422 substituted "drug and alcohol abuse" for "drug abuse" in three places.

§ 1007. Definitions.

As used in this chapter—

* * * * *

(b) The term "Commissioner" means the Commissioner of Education.

(c) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. (As amended Pub. L. 93–422, § 2(f), Sept. 21, 1974, 88 Stat. 1157.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–422 added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 93–422 redesignated former subsec. (b) as (c).

Chapter 15.—EGG PRODUCTS INSPECTION

§ 1033. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 2052.

§ 1044. Exempted activities; suspension or termination of exemptions; modification or revocation of regulation, granting exemption.

* * * * *

(b) The Secretary shall, by regulation and under such procedures as he may prescribe, exempt any plant located within noncontiguous areas of the United States from specific provisions of this chapter, where, despite good faith efforts by the owner of such plant, such owner has not been able to bring his plant into full compliance with this chapter: *Provided*, That in order to provide at least minimum standards for the protection of the public health, whenever processing operations are being conducted at any such plant, continuous inspection shall be maintained to assure that it is operated in a sanitary manner. No exemption under this subsection shall be granted for a period extending beyond December 31, 1971.

(c) The Secretary may immediately suspend or terminate any exemption under subsection (a) (2) or (6) of this section at any time with respect to any person, if the conditions of exemption prescribed by this section or the regulations of the Secretary are not being met. The Secretary may modify or revoke any regulation granting exemption under this chapter whenever he deems such action appropriate to effectuate the purposes of this chapter. (As amended Pub. L. 92–67, Aug. 6, 1971, 85 Stat. 173.)

AMENDMENTS

1971—Subsec. (b) Pub. L. 92–67 added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 92–67 redesignated former subsec. (b) as (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1034 of this title.

Chapter 16.—DRUG ABUSE PREVENTION AND TREATMENT [NEW]

SUBCHAPTER I.—GENERAL PROVISIONS

Sec.
1101. Congressional findings.
1102. Declaration of national policy.
1103. Definitions.
1104. Termination.

SUBCHAPTER II.—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

PART 1.—GENERAL PROVISIONS

1111 to 1123. Repealed.

PART 2.—FUNCTIONS OF THE DIRECTOR

1131 to 1143. Repealed.

PART 3.—NATIONAL ADVISORY COUNCIL FOR DRUG ABUSE PREVENTION

1151 to 1155. Repealed.

SUBCHAPTER III.—NATIONAL DRUG ABUSE STRATEGY

1161. Development of strategy requirement; initial promulgation of strategy.
1162. Strategy Council; establishment; membership; interim member; review and commentary on strategy.
1163. Contents of strategy.
1164. Preparation of strategy.
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SUBCHAPTER IV.—OTHER FEDERAL PROGRAMS

1171. Drug abuse prevention function appropriations.
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(a) Disclosure authorization.
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(c) Prohibition against use of record in making criminal charges or investigation of patient
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1176. Formula grants.
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(c) State allotments: basis; minimum amount; unobligated amounts, fiscal year availability; reallotment of unobligated amounts: basis; fiscal year availability.
(d) Application for grants; submission and approval; form and contents.
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(g) Payments; advances; reimbursement; installments.
1177. Special project grants and contracts.
(a) Scope of programs.
(b) Authorization of appropriations.
(c) Coordination of applications for programs in a State; precedence restriction; project evaluation; application approval, criteria.
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1178. Records and audit.
(a) Assistance records; contents.
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1179. National Drug Abuse Training Center.
(a) Establishment; functions; general policies; transfer of supervision.
(b) Activities and material.
(c) Persons eligible for services and facilities.
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1180. Drug abuse among Federal civilian employees.
(a) Civil Service Commission responsibility for policies and services; use of existing governmental facilities.
(b) Similar programs and services in non-Federal government and private industry.
(c) Disqualification solely on ground of prior drug abuse prohibited; certain agencies, national security employment, and sensitive positions excepted from restriction.
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SUBCHAPTER V.—NATIONAL INSTITUTE ON DRUG ABUSE

1191. National Institute on Drug Abuse.
(a) Establishment; functions of Institute regarding drug abuse prevention; functions of Secretary regarding drug abuse prevention, treatment, and rehabilitation programs.
(b) Appointment of Director and employment of functions of officers and employees of Institute.
(c) Participation of certain related disciplines in programs of Institute.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 7 section 2012.

SUBCHAPTER I.—GENERAL PROVISIONS

§ 1101. Congressional findings.

The Congress makes the following findings:

(1) Drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation.

(2) Drug abuse seriously impairs individual, as well as societal, health and well-being.

(3) Drug abuse, especially heroin addiction, substantially contributes to crime.

(4) The adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions.

(5) Too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse.

(6) The success of Federal drug abuse programs and activities requires a recognition that education, treatment, rehabilitation, research, training, and law enforcement efforts are interrelated.

(7) The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, between States and localities, among the Federal Government, States and localities, and throughout the Federal establishment.

(8) Control of drug abuse requires the development of a comprehensive, coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse.

(9) The increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring an immediate and effective response on the part of the Federal Government.

(Pub. L. 92–255, title I, § 101, Mar. 21, 1972, 86 Stat. 66.)

SHORT TITLE.

Section 1 of Pub. L. 92–255 provided that: "This Act [which enacted this chapter, and amended sections 5313, 5315, and 5316 of Title 5, and sections 218, 246, 257, 2684, 2688a, 2688k, 2688n–1, and 2688t of Title 42] may be cited as the 'Drug Abuse Office and Treatment Act of 1972'."

§ 1102. Declaration of national policy.

The Congress declares that it is the policy of the United States and the purpose of this chapter to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug abuse in the United States within the shortest possible period of time, and to develop a comprehensive, coordinated long-term Federal strategy to combat drug abuse. (Pub. L. 92–255, title I, § 102, Mar. 21, 1972, 86 Stat. 66.)

REFERENCES IN TEXT

This chapter, referred to in the text, was in the original, "this Act", Pub. L. 92–255, the Drug Abuse Office and Treatment Act of 1972, which enacted this chapter, and amended sections 5313, 5315, and 5316 of Title 5, Government Organization and Employees, and sections 218, 246,

257, 2684, 2688a, 2688k, 2688n–1, and 2688t of Title 42, The Public Health and Welfare.

§ 1103. Definitions.

(a) The definitions set forth in this section apply for the purposes of this chapter.

(b) The term "drug abuse prevention function" means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of drug traffic prevention functions, or is unrelated to drugs. The term does not include any function defined in subsection (c) of this section as a "drug traffic prevention function".

(c) The term "drug traffic prevention function" means—

(1) the conduct of formal or informal diplomatic or international negotiations at any level, whether with foreign governments, other foreign governmental or nongovernmental persons or organizations of any kind, or any international organization of any kind, relating to traffic (whether licit or illicit) in drugs subject to abuse, or any measures to control or curb such traffic; or

(2) any of the following law enforcement activities or proceedings:

(A) the investigation and prosecution of drug offenses;

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; and

(D) the detection and suppression of illicit drug supplies.

(Pub. L. 92–255, title I, § 103, Mar. 21, 1972, 86 Stat. 67.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original, "this Act", Pub. L. 92–255, the Drug Abuse Office and Treatment Act of 1972, which enacted this chapter, and amended sections 5313, 5315, and 5316 of Title 5, Government Organization and Employees, and sections 218, 246, 257, 2684, 2688a, 2688k, 2688n–1, and 2688t of Title 42, The Public Health and Welfare.

§ 1104. Termination.

Effective June 30, 1975, the Office, each of the positions in the Office of Director, Deputy Director, and Assistant Director, and the National Advisory Council for Drug Abuse Prevention established by section 1151 of this title are abolished and subchapter II of this chapter is repealed. (Pub. L. 92–255, title I, § 104, Mar. 21, 1972, 86 Stat. 67.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1162 of this title.

SUBCHAPTER II.—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

TERMINATION OF SUBCHAPTER II

This subchapter repealed, and Special Action Office for Drug Abuse Prevention, each position in Office of Director, Deputy Director, and Assistant Director, and National Advisory Council for Drug Abuse Prevention established by section 1151 of this title, abolished, effective June 30, 1975, see termination provisions of section 1104 of this title.

PART 1.—GENERAL PROVISIONS

§§ 1111 to 1123. Repealed. Pub. L. 92–255, title I, § 104, Mar. 21, 1972, 86 Stat. 67.

Sections 1111 to 1123 of this title were comprised of sections 201 to 214 of Pub. L. 92–255, title II, Mar. 21, 1972, 86 Stat. 67–70.

Section 1111 established the Special Action Office for Drug Abuse Prevention in the Executive Office of the President and set forth policy for congressional access to information, documents, studies, and personnel of the Office.

Section 1112 authorized the President, by and with the advice and consent of the Senate, to appoint a Director as head of the Office.

Section 1113 authorized the President, by and with the advice and consent of the Senate, to appoint a Deputy Director for the Office, and set forth the functions and duties of the Deputy Director.

Section 1114 authorized the Director to appoint not more than six Assistant Directors for the Office.

Section 1115 authorized the Director unless specifically prohibited by law, to designate persons in, or organizations of, the Office to perform any of his functions or duties, or exercise any of his powers.

Section 1116 authorized the Director to employ and prescribe the functions of officers and employees, including attorneys, as are necessary to perform the functions vested in him, to pay such officers and employees travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of Title 5, Government Organization and Employee, and to appoint, for a limited time, additional positions in grades GS–16 to 18 under section 5108 of Title 5.

Section 1117 authorized the Director to employ experts and consultants at a rate of pay not in excess of the rate in effect for grade GS–18 of the General Schedule, with no more than fifteen of such individuals employed without regard to the limitations set forth in section 3109 of Title 5.

Section 1118 authorized the Director to employ voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of Title 31, Money and Finance, in furtherance of the purposes of this chapter or any Federal drug abuse prevention function.

Section 1119 required the Attorney General and Secretary of Health, Education, and Welfare to provide the Director with notice relating to the control or decontrol of dangerous drugs under section 811 of this title.

Section 1120 set forth provisions relating to grants and contracts by the Director, contributions matching such grants and contracts adjustments, etc., of payments, and use of personnel and facilities of Federal departments and agencies.

Section 1121 authorized the President to appoint as Acting Director or Deputy Director any person who immediately prior to Mar. 21, 1972, held a position in the executive branch of the Government and set forth compensation authority and limitations.

Section 1122 set forth provisions relating to waiver of statutory limitations or requirements with respect to any Federal program or activity by the Director or other Federal officer except as authorized by former section 1135 of this title, and provisions relating to limitations on authority of the Secretary of Defense or Administrator of Veterans' Affairs except with respect to conduct of drug abuse prevention functions.

Section 1123 authorized appropriations for the fiscal year ending June 30, 1972 to the fiscal year ending June 30, 1975, and set forth provisions relating to fiscal year availability.

EFFECTIVE DATE OF REPEAL

Sections repealed effective June 30, 1975, see section 1104 of this title.

PART 2.—FUNCTIONS OF THE DIRECTOR

§§ 1131 to 1143. Repealed. Pub. L. 92–255, title I, § 104, Mar. 21, 1972, 86 Stat. 67.

Sections 1131 to 1143 of this title were comprised of sections 221 to 233 of Pub. L. 92–255, title II, Mar. 21, 1972, 86 Stat. 70–73.

Section 1131 required the Director to provide overall planning and policy and establish objectives and priorities for all Federal drug abuse prevention functions and set forth specific requirements for effectuation of such functions.

Section 1132 authorized the Director, in order to carry out his functions under former section 1131 of this title, to review and modify implementation plans and budget requests and provide for availability of appropriated funds.

Section 1133 authorized the establishment of a Special Fund for the implementation of drug abuse prevention functions and set forth requirements and limitations on utilization of sums appropriated to the fund.

Section 1134 authorized the Director to encourage research and development programs and establish, or provide for the establishment of, clinical research facilities in order to implement his functions.

Sections 1135 set forth provisions relating to non-Federal share requirements where funds are made available to agencies, etc., by more than one Federal agency.

Section 1136 set forth provisions relating to recommendations and consultations by the Director regarding traffic prevention functions and policies, priorities, and objectives of prevention functions.

Section 1137 authorized the Director to submit findings to the President relating to the performance by any Federal department or agency of drug abuse or drug traffic prevention functions and authorized the President to issue policy guidelines specifying the elimination of conflicts or impairments in the performance of such functions.

Section 1138 required an Assistant Director to maintain communications and liaison regarding all drug traffic prevention functions of the Federal government.

Section 1139 set forth provisions relating to authorities and requirements of the Director with respect to coordination, information, assistance and assignment activities and services.

Section 1140 authorized the Director to provide for the exercise or performance of management oversight review regarding the conduct of any Federal drug abuse prevention function and set forth requirements for such review.

Section 1141 authorized the convening, at the discretion of the Director, of a council of Federal officials responsible for Federal drug abuse or traffic prevention functions to promote the purposes of this chapter.

Section 1142 authorized the President to designate the Director to represent the United States in international negotiations relating to drug abuse prevention, drug traffic prevention, or both.

Section 1143 required an annual report to the President and the Congress by the Director and set forth the contents of such report.

EFFECTIVE DATE OF REPEAL

Sections repealed effective June 30, 1975, see section 1104 of this title.

PART 3.—NATIONAL ADVISORY COUNCIL FOR DRUG ABUSE PREVENTION

§§ 1151 to 1155. Repealed. Pub. L. 92–255, title I, § 104. Mar. 21, 1972, 86 Stat. 67.

Sections 1151 to 1155 of this title were comprised of sections 251 to 255 of Pub. L. 92–255, title II, Mar. 21, 1972, 86 Stat. 74.

Section 1151 established a National Advisory Council for Drug Abuse Prevention with fifteen members.

Section 1152 set forth membership requirements for the Council.

Section 1153 authorized the President to designate the Chairman of the Council and set forth provisions relating to meetings.

Section 1154 authorized the payment of compensation and expenses to members of the Council.

Section 1155 set forth the functions of the Council.

EFFECTIVE DATE OF REPEAL

Sections repealed effective June 30, 1975, see section 1104 of this title.

SUBCHAPTER III.—NATIONAL DRUG ABUSE STRATEGY

§ 1161. Development of strategy requirement; initial promulgation of strategy.

Immediately upon the enactment of this subchapter, the President shall direct the development of a comprehensive, coordinated long-term Federal strategy (hereinafter in this subchapter referred to as the "strategy") for all drug abuse prevention functions and all drug traffic prevention functions conducted, sponsored, or supported by any department or agency of the Federal Government. The strategy shall be initially promulgated by the President no later than nine months after the enactment of this title. (Pub. L. 92–255, title III, § 301, Mar. 21, 1972, 86 Stat. 74.)

REFERENCES IN TEXT

Enactment of this subchapter, referred to in the text, means March 21, 1972, the date of approval of Pub. L. 92–255, which, among other amendments, enacted this subchapter.

§ 1162. Strategy Council; establishment; membership; interim member; review and commentary on strategy.

To develop the strategy, the President shall establish a Strategy Council whose membership shall include the Director of the Special Action Office for Drug Abuse Prevention until the date specified in section 1104 of this title, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans' Affairs, and other officials as the President may deem appropriate. Until the date specified in section 1104 of this title, the Director shall provide such services as are required to assure that the strategy is prepared, and thereafter such services shall be provided by such officer or agency of the United States as the President may designate. The strategy shall be subject to review and written comment by those Federal officials participating in its preparation. (Pub. L. 92–255, title III, § 302, Mar. 21, 1972, 86 Stat. 75.)

§ 1163. Contents of strategy.

The strategy shall contain—

(1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;

(2) a comprehensive Federal plan, with respect to both drug abuse prevention functions and drug traffic prevention functions, which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and

(3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operation and coordination of the various Federal drug abuse prevention functions and drug traffic prevention functions.

(Pub. L. 92–255, title III, § 303, Mar. 21, 1972, 86 Stat. 75.)

§ 1164. Preparation of strategy.

To facilitate the preparation of the strategy, the Council shall—

(1) engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;

(2) at the request of any member, require departments and agencies engaged in Federal drug abuse prevention functions and drug traffic prevention functions to submit such information and reports and to conduct such studies and surveys as are necessary to carry out the purposes of this subchapter, and the departments and agencies shall submit to the Council and to the requesting member the information, reports, studies, and surveys so required;

(3) evaluate the performance and results achieved by Federal drug abuse prevention functions and drug traffic prevention functions and the prospective performance and results that might be achieved by programs and activities in addition to or in lieu of those currently being administered. (Pub. L. 92–255, title III, § 304, Mar. 21, 1972, 86 Stat. 75.)

§ 1165. Review, revision, and promulgation of strategy.

The strategy shall be reviewed, revised as necessary, and promulgated as revised from time to time as the President deems appropriate, but not less often than once a year. (Pub. L. 92–255, title III, § 305, Mar. 21, 1972, 86 Stat. 75.)

SUBCHAPTER IV.—OTHER FEDERAL PROGRAMS

§ 1171. Drug abuse prevention function appropriations.

Any request for appropriations by a department or agency of the Government submitted after March 21, 1972, shall specify (1) on a line item basis, that part of the appropriations which the department or agency is requesting to carry out its drug abuse prevention functions, and (2) the authorization of the appropriations requested to carry out each of its drug abuse prevention functions. (Pub. L. 92–255, title IV, § 404, Mar. 21, 1972, 86 Stat. 77.)

§ 1172. Special reports by the Secretary of Health, Education, and Welfare.

(a) The Secretary of Health, Education, and Welfare (hereinafter in this subchapter referred to as the "Secretary") shall develop and submit to the Congress and the Director within ninety days after March 21, 1972, a written plan for the administration and coordination of all drug abuse prevention functions within the Department of Health, Education, and Welfare. Such report shall list each program conducted and each service provided in carrying out such functions, describe how such programs and services are to be coordinated, and describe the steps taken or to be taken to insure that such programs and services will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. The plan shall be consistent with the policies, priorities, and objectives established by the Director under section 1131 of this title.

(b) The Secretary shall submit to the Director, for inclusion in the annual report required by section 1143 of this title, a report describing model and experimental methods and programs for the treatment and rehabilitation of drug abusers, and describing the advantages of each such method and program and an evaluation of the success or failure of each such method or program. The Secretary's report shall contain recommendations for the development of new and improved methods and programs for the treatment and rehabilitation of drug abusers, for community implementation of such methods and programs, and for such legislation and administrative action as he deems appropriate. (Pub. L. 92–255, title IV, § 405, Mar. 21, 1972, 86 Stat. 77.)

§ 1173. Additional drug abuse prevention functions of the Secretary of Health, Education, and Welfare.

(a) Information center; uniform methodology and technology; statistics; review and evaluation of State plans.

The Secretary shall—

(1) operate an information center for the collection, preparation, and dissemination of all information relating to drug abuse prevention functions, including information concerning State and local drug abuse treatment plans, and the availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

(2) investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by individuals and effects which individuals are likely to experience from such use;

(3) gather and publish statistics pertaining to drug abuse and promulgate regulations specifying uniform statistics to be furnished, records to be maintained, and reports to be submitted, on a voluntary basis by public and private entities and individuals respecting drug abuse; and

(4) review, and publish an evaluation of, the adequacy and appropriateness of any provision relating to drug abuse prevention functions contained in the comprehensive State health, welfare, or rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d)(2)(K) and 604(a) of the Public Health Service Act, section 1902(a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

(b) Execution of functions through National Institute on Drug Abuse.

After December 31, 1974, the Secretary shall carry out his functions under subsection (a) of this section through the National Institute on Drug Abuse. (Pub. L. 92–255, title IV, § 406, Mar. 21, 1972, 86 Stat. 78.)

REFERENCES IN TEXT

Section 5(a) of the Vocational Rehabilitation Act, referred to in subsec. (a)(4), was classified to section 35(a)

of Title 29, Labor, and was repealed by section 500(a) of Pub. L. 93–112, title V, Sept. 26, 1973, 87 Stat. 390. Pub. L. 93–112, the Rehabilitation Act of 1973, is classified to section 701 et seq. of title 29, and section 500(a) of Pub. L. 93–112, classified to section 790(a) of title 29, provides in part that references to the Vocational Rehabilitation Act in any other provision of law shall be deemed to be references to the Rehabilitation Act of 1973.

Sections 314(d)(2)(K) and 604(a) of the Public Health Act, referred to in subsec. (a)(4), are classified to sections 246(d)(2)(K) and 291d(a), respectively, of Title 42, The Public Health and Welfare.

Section 1902(a) of title XIX of the Social Security Act, referred to in subsec. (a)(4), is classified to section 1396a(a) of Title 42.

Section 204(a) of part A of the Community Mental Health Centers Act, referred to in subsec. (a)(4), is classified to section 2684(a) of Title 42.

§ 1174. Admission of drug abusers to general hospitals for emergency treatment.

(a) Obligation of general hospitals receiving Federal support.

Drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment, solely because of their drug abuse or drug dependence, by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

(b) Regulations; suspension or revocation of Federal support under programs administered by the Secretary or other Federal officials.

The Secretary is authorized to make regulations for the enforcement of the policy of subsection (a) of this section. Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) of this section has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a hospital has violated subsection (a) of this section and such violation continues after an opportunity has been afforded for compliance, the Secretary is authorized to suspend or revoke, after opportunity for a hearing, all or part of any support of any kind received by such hospital from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital. (Pub. L. 92–255, title IV, § 407, Mar. 21, 1972, 86 Stat. 78.)

§ 1175. Confidentiality of patient records.

(a) Disclosure authorization.

Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e) of this section, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

(b) Purposes and circumstances of disclosure affecting consenting patient and patient regardless of consent.

(1) The content of any record referred to in subsection (a) of this section may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g) of this section.

(2) Whether or not the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent, the content of such record may be disclosed as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(c) Prohibition against use of record in making criminal charges or investigation of patient.

Except as authorized by a court order granted under subsection (b)(2)(C) of this section, no record referred to in subsection (a) of this section may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

(d) Continuing prohibition against disclosure irrespective of status as patient.

The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

(e) Armed Forces and Veterans' Administration; interchange of records.

The prohibitions of this section do not apply to any interchange of records—

(1) within the Armed Forces or within those components of the Veterans' Administration furnishing health care to veterans, or

(2) between such components and the Armed Forces.

(f) Penalty for first and subsequent offenses.

Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense.

(g) Regulations; interagency consultations; definitions, safeguards, and procedures, including procedures and criteria for issuance and scope of orders.

Except as provided in subsection (h) of this section, the Secretary of Health, Education, and Welfare, after consultation with the Administrator of Veterans' Affairs and the heads of other Federal departments and agencies substantially affected thereby, shall prescribe regulations to carry out the purposes of this section. These regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b)(2)(C) of this section, as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(h) Regulations of Administrator; applicable regulations for veterans; coordination with regulations of Secretary.

The Administrator of Veterans' Affairs, through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under Title 38, prescribe regulations making applicable the regulations established by the Secretary under subsection (g) of this section to records maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such Title 38 to veterans suffering from drug abuse. In prescribing and implementing regulations pursuant to this subsection, the Administrator shall, from time to time consult with the Secretary in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe. (Pub. L. 92–255, title IV, § 408, Mar. 21, 1972, 86 Stat. 79, amended Pub. L. 93–282, title III, § 303(a), (b), May 14, 1974, 88 Stat. 137, 138.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–282, § 303(a), substituted "drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e) of this section, be confidential and be disclosed" for "drug abuse prevention function authorized or assisted under any provision of this Act or any Act amended by this Act shall be confidential and may be disclosed".

Subsec. (b)(1). Pub. L. 93–282, § 303(a), substituted provision for disclosure of content of a subsec. (a) record in accordance with prior written consent of the patient to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsec. (g) of this section for former provision for such disclosure with the patient's written consent to medical personnel for the purpose of diagnosis or treatment of the patient, and to governmental personnel for the purpose of obtaining benefits to which the patient was entitled.

Subsec. (b)(2). Pub. L. 93–282, § 303(a), substituted "Whether or not the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent" for "If the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, does not give his written consent" and in cl. (B) substituted "management audits, financial audits," for "management or financial audits,".

Subsecs. (c), (d). Pub. L. 93–282, § 303(a), reenacted provisions without any change.

Subsec. (e). Pub. L. 93–282, § 303(a), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 93–282, § 303(a), redesignated former subsec. (e) as (f), deleted introductory text "Except as authorized under subsection (b) of this section," and substituted "Any person who violates any provision of this section or any regulation issued pursuant to this section" for "any person who discloses the contents of any record referred to in subsection (a) of this section".

Subsec. (g). Pub. L. 93–282, § 303(a), added subsec (g).

Pub. L. 93–282, § 303(b)(1), (2)(A), substituted in first sentence "Secretary of Health, Education, and Welfare" for "Director of the Special Action Office for Drug Abuse Prevention", in second sentence "Secretary" for "Director", and introductory text "Except as provided in subsection (h) of this section, the" for "The", effective June 30, 1975.

Subsec. (h). Pub. L. 93–282, § 303(b)(2)(B), added subsec. (h), effective June 30, 1975.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 303(b)(1) and (2) of Pub. L. 93–282 provided that amendment of subsec. (g) by section 303(b)(1) and (2)(A) and enactment of subsec. (h) by section 303(b)(2)(B) of Pub. L. 93–282 shall be effective as provided for in section 1104 of this title, namely June 30, 1975.

REPORT OF ADMINISTRATOR OF VETERANS' AFFAIRS TO CONGRESSIONAL COMMITTEES; PUBLICATION IN FEDERAL REGISTER

Section 303(c) of Pub. L. 93–262 provided that: "The Administrator of Veterans' Affairs shall submit to the appropriate committees of the House of Representatives and the Senate a full report (1) on the regulations (including guidelines, policies, and procedures thereunder) he has prescribed pursuant to section 408(h) of the Drug Abuse Office and Treatment Act of 1972 [subsec. (h) of this section as added by section 303(b)(2)(B) of Pub. L. 93–282], (2) explaining the bases for any inconsistency between such regulations and the regulations of the Secretary of Health, Education, and Welfare under section 408(g) of that Act [subsec. (g) of this section as added and amended by section 303(b)(1),(2)(A) of Pub. L. 93–282], (3) on the extent, substance, and results of his consultations with the Secretary respecting the prescribing and implementation of the Administrator's regulations, and (4) containing such recommendations for legislation and administrative actions as he determines are necessary and desirable. The Administrator shall submit such report not later than sixty days after the effective date of the regulations prescribed by the Secretary under such section 408(g) [subsec. (g) of this section as amended and amended by section 303(b)(1),(2)(A) of Pub. L. 93–282], and shall timely publish such report in the Federal Register."

REGULATIONS ISSUED PRIOR TO JUNE 30, 1975, EFFECTIVE UNTIL REVOKED OR AMENDED.

Section 303(d) of Pub. L. 93–282 provided that: "Any regulation under or with respect to section 408 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1175) [this section] issued by the Director of the Special Action Office for Drug Abuse Prevention prior to the date specified in section 104 of that Act (21 U.S.C. 1104) [June 30, 1975], whether before or after the enactment of this Act [May 14, 1974], shall remain in effect until revoked or amended by the Director or the Secretary of Health, Education, and Welfare, as the case may be."

§ 1176. Formula grants.

(a) Authorization of appropriations; "State" defined.

There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, and $45,000,000 for the fiscal year ending June 30, 1975, for grants to States in accordance with this section. For the purpose of this section, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

(b) Use of grants for certain purposes; limitation of State administrative expenses.

Grants to States may be made under this section—

(1) for the preparation of plans which are intended to meet the requirements of subsection (e) of this section;

(2) for the expenses (other than State administrative expenses) of (A) carrying out projects under and underwise implementing plans approved by the Secretary pursuant to subsection (f) of this section, and (B) evaluating the results of such plans as actually implemented; and

(3) for the State administrative expenses of carrying out plans approved by the Secretary pursuant to subsection (f) of this section, except that no grant under this paragraph to any State for any year may exceed $50,000 or 10 per centum of the total allotment of that State for that year, whichever is less.

(c) State allotments: basis; minimum amount; unobligated amounts, fiscal year availability; reallotment of unobligated amounts: basis; fiscal year availability.

(1) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated pursuant to subsection (a) of this section for such year among the States on the basis of the relative population, financial need, and the need for more effective conduct of drug abuse prevention functions, except that no such allotment to any State (other than the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands), shall be less than $100,000 multiplied by a fraction whose numerator is the amount actually appropriated for the purposes of this section for the fiscal year for which the allotment is made, and whose denominator is the amount authorized to be appropriated by subsection (a) of this section for that year.

(2) Any amount allotted under paragraph (1) of this subsection to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this section, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under paragraph (1) of this subsection to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this section, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(d) Application for grants; submission and approval; form and contents.

No grant may be made under subsection (b)(1) of this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, including assurances satisfactory to the Secretary that the grant will be used by the State for the preparation of a State plan which will meet the requirements of subsection (e) of this section, as the Secretary shall by regulation prescribe.

(e) State plans; requirements.

Any State desiring to receive a grant under subsection (b)(2) or (b)(3) of this section shall submit to the Secretary a State plan for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in the State and for evaluating the conduct of such functions in the State. Each State plan shall—

(1) designate or establish a single State agency as the sole agency for the preparation and administration of the plan, or for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated or established in accordance with paragraph (1) will have authority to prepare and administer, or supervise the preparation and administration of, such plan in conformity with this subsection;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, and which shall consult with the State agency in carrying out the plan;

(4) describe the drug abuse prevention functions to be carried out under the plan with assistance under this section;

(5) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(6) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers;

(7) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 246(d)(2) of Title 42;

(8) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(9) provide that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary;

(11) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds; and

(12) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions of this section.

(f) Approval by Secretary.

The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (e) of this section.

(g) Payments; advances; reimbursements; installments.

From the allotment of a State, the Secretary shall make grants to that State in accordance with this section. Payments under such grants may be made in advance or by way of reimbursement and in such installments as the Secretary may determine. (Pub. L. 92–255, title IV, § 409, Mar. 21, 1972, 86 Stat. 80.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1177, 1178 of this title.

§ 1177. Special project grants and contracts.

(a) Scope of programs.

The Secretary shall—

(1) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to provide training seminars, educational programs, and technical assistance for the development of drug abuse prevention, treatment, and rehabilitation programs for employees in the private and public sectors;

(2) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, and institutions, to provide directly or through contractual arrangements for vocational rehabilitation counseling, education, and services for the benefit of persons in treatment programs and to encourage efforts by the private and public sectors of the economy to recruit, train, and employ participants in treatment programs;

(3) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate drug abuse prevention, treatment, and rehabilitation programs within State and local criminal justice systems;

(4) make grants to or contracts with groups composed of individuals representing a broad cross-section of medical, scientific, or social disciplines for the purpose of determining the causes of drug abuse in a particular area, prescribing methods for dealing with drug abuse in such an area, or conducting programs for dealing with drug abuse in such an area;

(5) make research grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, and institutions, and individuals for improved drug maintenance techniques or programs; and

(6) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate drug abuse prevention and treatment programs.

(b) Authorization of appropriations.

There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972; $65,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; and $160,000,000 for the fiscal year ending June 30, 1975, to carry out this section.

(c) Coordination of applications for programs in a State; precedence restriction; project evaluation; application approval, criteria.

(1) In carrying out this section, the Secretary shall require coordination of all applications for programs in a State and shall not give precedence to public agencies over private agencies, institutions, and organizations, or to State agencies over local agencies.

(2) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency (if any) designated or established under section 1176 of this

title. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse under section 1176 of this title. The State shall furnish the applicant a copy of any such evaluation. A State if it so desires may, in writing, waive its rights under this paragraph.

(3) Approval of any application for a grant or contract under this section by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria that—

(A) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(B) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(C) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(D) provide for reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

(d) Payments; advances; reimbursement; installments.

Payment under grants or contracts under this section may be made in advance or by way of reimbursement and in such installments as the Secretary may determine. (Pub. L. 92–255, title IV, § 410, Mar. 21, 1972, 86 Stat. 82.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1178 of this title.

§ 1178. Records and audit.

(a) Assistance records; contents.

Each recipient of assistance under section 1176 or 1177 of this title pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) Access to pertinent information for audit and examination.

The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to such grants or contracts. (Pub. L. 92–255, title IV, § 411, Mar. 21, 1972, 86 Stat. 83.)

§ 1179. National Drug Abuse Training Center.

(a) Establishment; functions; general policies; transfer of supervision.

The Director shall establish a National Drug Abuse Training Center (hereinafter in this section referred to as the "Center") to develop, conduct, and support a full range of training programs relating to drug abuse prevention functions. The Director shall consult with the National Advisory Council for Drug Abuse Prevention regarding the general policies of the Center. The Director may supervise the operation of the Center initially, but shall transfer the supervision of the operation of the Center to the National Institute on Drug Abuse not later than December 31, 1974.

(b) Activities and material.

The Center shall conduct or arrange for training programs, seminars, meetings, conferences, and other related activities, including the furnishing of training and educational materials for use by others.

(c) Persons eligible for services and facilities.

The services and facilities of the Center shall, in accordance with regulations prescribed by the Director, be available to (1) Federal, State, and local government officials, and their respective staffs, (2) medical and paramedical personnel, and educators, and (3) other persons, including drug dependent persons, requiring training or education in drug abuse prevention.

(d) Authorization of appropriations; fiscal year availability.

(1) For the purpose of carrying out this section, there are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1972, $3,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and $6,000,000 for the fiscal year ending June 30, 1975.

(2) Sums appropriated under this subsection shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following. (Pub. L. 92–255, title IV, § 412, Mar. 21, 1972, 86 Stat. 84.)

§ 1180. Drug abuse among Federal civilian employees.

(a) Civil Service Commission responsibility for policies and services; use of existing governmental facilities.

The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Director and with other Federal agencies and departments, appropriate prevention, treatment, and rehabilitation programs and services for drug abuse among Federal civilian employees. Such policies and services shall make optimal use of existing governmental facilities, services, and skills.

(b) Similar programs and services in non-Federal government and private industry.

The Director shall foster similar drug abuse prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

(c) Disqualification solely on ground of prior drug abuse prohibited; certain agencies, national security employment, and sensitive positions excepted from restriction.

(1) No person may be denied or deprived of Federal civilian employment or a Federal profession or other license or right solely on the ground of prior drug abuse.

(2) This subsection shall not apply to employment (A) in the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, or any other department or agency of the Federal Government designated for purposes of national security by the President, or (B) in any position in any department or agency of the Federal Government, not referred to in clause (A), which position is determined pursuant to regulations prescribed by the head of such department or agency to be a sensitive position.

(d) Dismissal for functional disability.

This section shall not be construed to prohibit the dismissal from employment of a Federal civilian employe who cannot properly function in his employment. (Pub. L. 92–255, title IV, § 413, Mar. 21, 1972, 86 Stat. 84.)

SUBCHAPTER V.—NATIONAL INSTITUTE ON DRUG ABUSE

§ 1191. National Institute on Drug Abuse.

(a) Establishment; functions of Institute regarding drug abuse prevention; functions of Secretary regarding drug abuse prevention, treatment, and rehabilitation programs.

There is established the National Institute on Drug Abuse (hereinafter in this section referred to as the "Institute") to administer the programs and authorities of the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") with respect to drug abuse prevention functions. The Secretary, acting through the Institute, shall, in carrying out the purpose of sections 241, 242, and 242a of Title 42 with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers. The Secretary shall carry out through the Institute the administrative and financial management, policy development and planning, evaluation, and public information functions which are required for the implementation of such programs and authorities.

(b) Appointment of Director and employment and function of officers and employees of Institute.

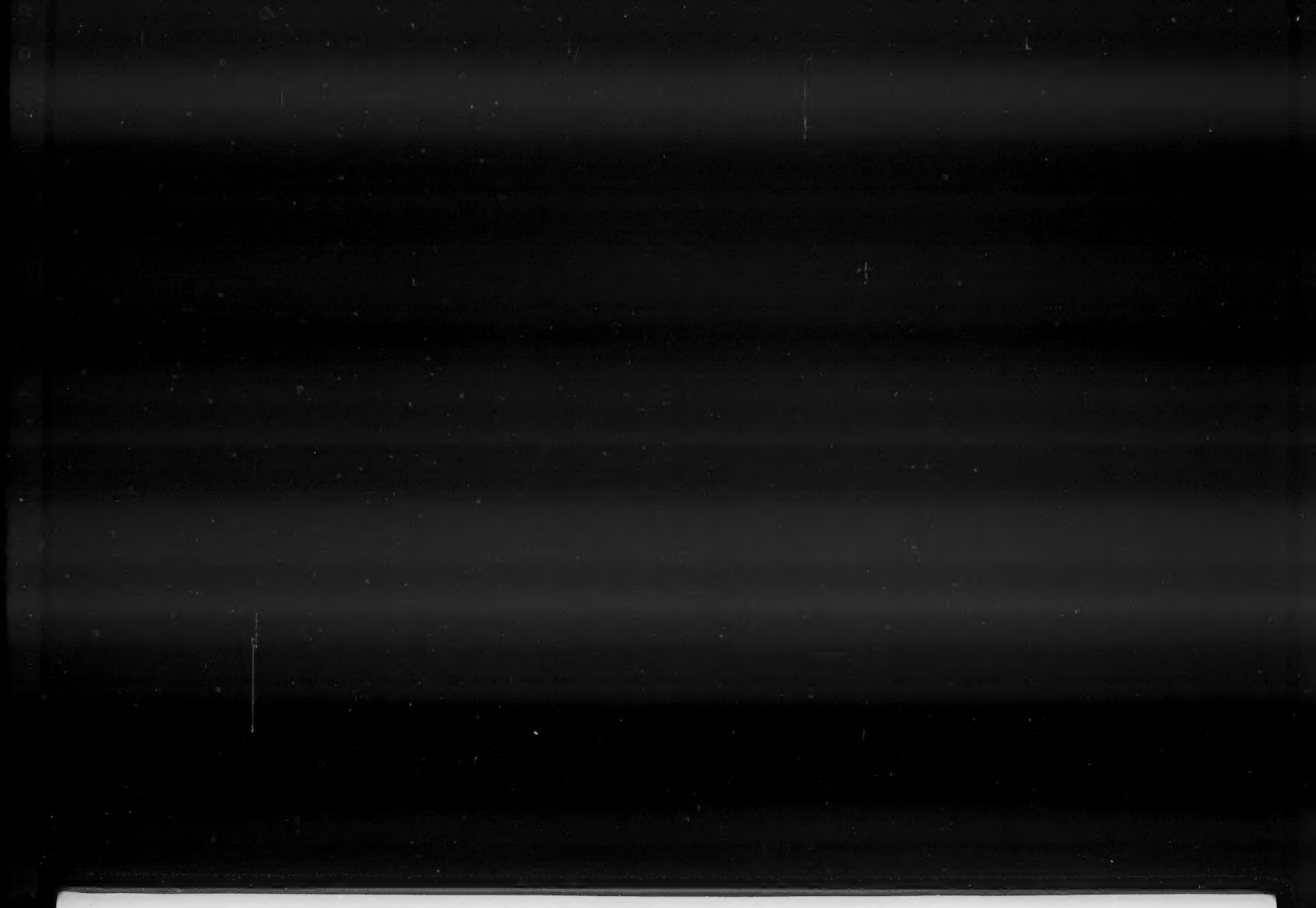
(1) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

(2) The Director, with the approval of the Secretary, may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the programs and authorities to be carried out through the Institute.

(c) Participation of certain related disciplines in programs of Institute.

The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. (Pub. L. 92–255, title V, § 501, Mar. 21, 1972, 86 Stat. 85, amended Pub. L. 93–282, title II, § 204, May 14, 1974, 88 Stat. 136.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–2b2 deleted provisions for establishment of the Institute effective Dec. 31, 1974, and for such establishment in the National Institute of Mental Health, inserted references to sections 242 and 242a of Title 42, and required the Secretary to carry out through the Institute the administrative and financial management, policy development and planning, evaluation, and public information functions required for implementation of prescribed programs and authorities.

Subsec. (b). Pub. L. 93–282 designated existing provisions as par. (1) and added par. (2).